



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/809,812
		Filing Date	March 26, 2004
		First Named Inventor	Kunihiko KANAI
		Art Unit	Not Yet Assigned
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	124	Attorney Docket Number	524642002200

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Return Receipt Postcard Notice to File Corrected Application Papers (copy)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Barry E. Bretschneider		
Date	December 29, 2004	Reg. No.	28,055



Docket No.: 524642002200
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Kunihiko KANAI

Serial No.: 10/809,812

Filing Date: March 26, 2004

For: FOCAL DETECTING METHOD,
FOCUSING DEVICE, IMAGE
CAPTURING METHOD AND IMAGE
CAPTURING APPARATUS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Corrected Application Papers dated December 23, 2004, applicant attaches a complete copy of the specification, claims and abstract of this application as originally filed on March 26, 2004. The Office is authorized to treat the attached specification, claims and abstract as a substitute specification in accordance with 37 CFR 1.52, 1.121(b)(3) and 1.125. Since this substitute specification is identical to the application as filed, it is not necessary to provide markings showing deleted and added matter.

The Notice to File Corrected Application Papers is otherwise respectfully traversed in part. Applicant attaches to this response an amended abstract in marked-up and clean form, each starting on a separate sheet, showing the editorial changes necessary to conform the abstract to 37 CFR 1.72.

However, the remainder of the Notice to File Corrected Application Papers simply makes no sense when the specification of this application as filed is considered and is respectfully traversed. The specification does *not* contain drawings or flow diagrams embedded in the specification and was certainly not submitted in multiple column format. Applicant is at a loss to understand how the Office could have come to such a conclusion. Applicant respectfully submits that this portion of the Notice to File Corrected Application Papers must have been intended for a different application and requests its withdrawal.

Early favorable action in accordance with the foregoing is solicited. If any discrepancies or informalities in this application remain after consideration of this response, the appropriate office employee is respectfully requested to telephone the undersigned to discuss what further corrections, if any, need be made.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 524642002200.

Dated: December 29, 2004

Respectfully submitted,

By 

Barry E. Bretschneider

Registration No.: 28,055

MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 300
McLean, Virginia 22102
(703) 760-7743

/fw



UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 29 2004

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/809,812	03/26/2004	Kunihiko Kanai	524642002200

Barry E. Bretschneider
 Morrison & Foerster LLP
 Suite 300
 1650 Tysons Boulevard
 McLean, VA 22102

CONFIRMATION NO. 7944
FORMALITIES LETTER
OC000000014814209
 OC000000014814209

Date Mailed: 12/23/2004

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
 - The specification contains drawings or flow diagrams (37 CFR 1.58(a)) on page(s) different pages. Drawings or flow diagrams cannot be embedded in the specification and should be submitted separately in accordance with 37 CFR 1.84. (Both a substitute specification and substitute drawings are required).
 - The specification was submitted in multiple column format and is not suitable for electronic reproduction (see 37 CFR 1.52(a)).
- A replacement abstract not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) and 37 CFR 1.121 is required.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature, possibly reading 'JP', is written above a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY